

Official Minutes for Webb County Commissioners Court Meeting

Monday, August 22, 2005 at 1:00 PM
and continuing Tuesday, August 23, 2005 at 1:00 PM
(Approved 09-26-2005)

- Item No. 1 Call to order by Judge Louis H. Bruni
Let it be remembered that a regular meeting of the Webb County Commissioners Court was held at 1:00 p.m. at the regular meeting place with the following members present to wit:

Louis H. Bruni	County Judge
Frank Sciaraffa	Commissioner, Pct. 1
Judith Gutierrez	Commissioner, Pct. 2
Jerry Garza	Commissioner, Pct. 3
Cynthia Brunner	Commissioner, Pct. 4

Thus constituting a quorum, the Commissioners Court proceeded to act upon the Agenda as posted in the meeting notice of the 19th of August 2005. Present also were Ms. Nora Elia Prado, Deputy County Clerk representing Mrs. Margie Ramirez Ibarra, Ex-officio Clerk of the Commissioners Court, various officers and others interested in the business of the Court.

- Item No. 2 Roll Call – Margie Ramirez Ibarra, Webb County Clerk
- Item No. 3 Pledge of Allegiance – Led by All
- Item No. 4 Approval of bills, payroll and monthly reports

Ms. Delia Perales, County Treasurer, presented her monthly report to the court. She stated that sales tax revenues were increased by \$615,000. She stated that she has submitted copies of all payments received on wells drilled on school lands to Mr. Tomas Rodriguez, County Engineer, and Mr. Homero Ramirez, County Attorney. Ms. Perales presented a letter to the court dated January 8, 2003 in which she requested an audit to show which meters Webb County was responsible for. She stated that there are several bills under Webb County that are still pending payment. She stated that since they are under Webb County's contract, they should be paid by Webb County and the monies can then be collected from those responsible for those meters. Judge Bruni stated that he would like for the contracts and division orders on wells drilled on school lands to be researched. Cmr. Gutierrez stated that outside counsel had been hired to deal with the matters of wells on school lands and feels that these questions cannot be addressed by Ms. Perales. Mr. Homero Ramirez, County Attorney, stated that budgetary matters needed to be discussed for continuation of services. He stated that a preliminary report was ready and would be brought at the next meeting.

Cmr. Gutierrez motioned to accept the Treasurer's Report. Cmr. Cortez-Brunner seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 5 Communications

Cmr. Gutierrez stated that the Insurance Committee met the previous week and will present a preliminary report to the court regarding the employee's insurance and their recommendations prior to the budget approval.

Cmr. Cortez-Brunner congratulated Mr. Horacio De Leon on his recent appointment as Assistant City Manager.

Cmr. Sciaraffa motioned to move up Item No. 7. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 7 Status report by citizens of Colonia La Presa on what response(s) they have had, if any, from legislative representatives to whom was forwarded the Webb County Resolution of July 25, 2005 declaring a local state of emergency in La Presa, and other similarly situated colonias in Webb County, due to lack of basic utilities.

Mr. Hilario Martinez was present to address the court. He stated that he appreciated the court's support on this matter but stated that to date he has not received a response from the court or from legislative representatives. He stated that these situations need to be remedied since several areas were left without water. He stated that there have been people on the news complaining that they have been without water for one week and are getting assistance but they have been without water for over thirty years and nothing has been done to remedy this. He stated that if the court is unable to help them, the court should tell them and not lead them on. Judge Bruni stated that he has send letters of support to the legislative representatives but has not received any response. Mr. Martinez stated that they were told by the court that an emergency would be declared and expedited steps would be taken to help them. Judge Bruni stated that his hands were tied by federal law and the only thing that he can do is send another letter to their representatives. Mr. Martinez stated that it has been three weeks and they have not received any response. He stated that they want a definitive date in which to expect a response from either the court or its representatives. Judge Bruni stated that the court is showing its good faith by sending a resolution to the State Representatives but cannot do anything more. Mr. Homero Ramirez, County Attorney, stated that this item is a Status Report as well as Public Comments and that nothing can be acted on or deliberation giving the impression of action to be taken. He stated that the court cannot circumvent state law. He reminded the court to be careful with the three minute rule under Public Comments since straying from the time limit could be problematic.

Item No. 6 Public Comments

Dr. Hector Farias was present to address Item No. 9. He thanked the court for their assistance in this matter. He stated that this organization has saved the taxpayers a lot of money. He stated that if the shelter is shut down, the duties of dogcatcher would go to the Sheriff. He stated that Gandhi once said, "A community will be judged by the way they treat their animals." He stated that the CAA Director needed to be experience due to the number of programs and needed to be in the best interest of Webb County.

Cmr. Garza motioned to move up Item No. 9. Cmr. Cortez-Brunner seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 9 Discussion and possible action to direct appropriate staff to assist the Laredo Animal Protective Society to erect a fence at its facility in exchange for the many services they provide Webb County by way of caring for and/or disposing or liquidating homeless animals, and any other matters incident thereto.

Ms. Marissa Martinez, Vice President of the Laredo Animal Protective Society (LAPS) was present to address the court. She presented a power point presentation to the court. She stated that Pet Fests are held throughout the year to try and get as many pets adopted. Ms. Alma Alonzo, LAPS volunteer, stated that the LAPS receives approximately \$406,000 in funding per year and stated that the shelter is in desperate need of repair. She stated that they are not asking for additional funds due to the county's budget constraints but are asking for assistance with the labor to put up the kennels and gates. She stated that the shelter is currently on probation status and is in danger of being shut down. Mr. Fred Flores, LAPS Director, stated that the reason that they are on probation are the sewer lines, roof and restructuring of the building. Mr. Geissler stated that as the population in Webb County has grown, so has the pet population. He stated that the number of stray dogs and feral cats has risen and will continue to grow unless people spay or neuter their pets to prevent unwanted litters. A representative of the Laredo Entertainment Center stated that approximately 9,800 animals are put down each year and the center needs as much assistance as possible. He stated that the spaying and neutering of pets needs to be pushed. Cmr. Gutierrez stated that this was a very noble cause and staff could be designated to assist in this endeavor. Mr. Homero Ramirez, County Attorney, stated that this assistance would be to supplement payment already made to the LAPS for services provided and not in exchange for.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 6 Public Comments

Mr. Francisco Montemayor was present to address Item No. 15. He thanked the court and his family for supporting him since being appointed Public Defender. He stated that the success of the office has not just been his doing but that of his staff as well. He highly recommended Mr. Leroy Medford, First Assistant Public Defender, as his replacement.

Dr. Henry Carranza was present to address Item No. 21. He stated that the CAA Advisory Board by-laws were written and approved by the board and the court. He stated that the by-laws state that the board must be able to look at and review the applicants for the CAA Director.

Mrs. Sylvia Palumbo, CAA Advisory Board President, was present to address Item No. 21. She stated that they needed to abide by the by-laws and regulations set by the state. She requested that the CAA Board be allowed to screen the applicants. She stated that they would not make the final decision.

Mr. Gamboa was present to address Item No. 21. He stated that this was a very important item for a very necessary program. He stated that the appointed department heads are servers of the people and that an honest and trustful person needed to be appointed for this position. He stated that he could not understand how someone can apply for a position for which the person was investigated for mishandling of grant monies.

RECESS (2:13 PM to 2:40 PM)

Judge Alfonso 'Boyer' Ornelas, Municipal Court Judge, was present to address Item No. 15. He stated that he has worked with Mr. Leroy Medford for many years and wholeheartedly recommended him for the position of Public Defender.

Item No. 10 Status report by the Community Action Agency on the contract with the City of Laredo to spend certain funds for Homeless Prevention Assistance, amounts of unspent funds, and the deadline for expenditure of any such funds, with discussion and possible action to direct the Community Action Agency to define and implement plans for the spending of such funds before the expiration of applicable deadlines, and any other matters incident thereto.

Mr. Roberto Martinez, Interim CAA Director, stated that he had received a letter regarding the funds that have not been expended. He stated that approximately \$6,200 remains unspent. He stated that they will be putting out some Public Service Announcements to try and expend those funds. Cmr. Gutierrez stated that the requirements to qualify for this assistance is very stringent. She proposed that the requirements be compared to those of similar programs run by Bethany House and the Salvation Army to see if the requirements can be amended with the approval of the City of Laredo. Cmr. Cortez-Brunner stated that if the need is out there and it is negligent to not use those monies. Mr. Martinez stated that there are three main criteria that must be met in order to qualify for this assistance:

1. Meet the income requirements
2. Must receive an eviction or foreclosure notice

3. Must show proof of ability to continue making payments

Cmr. Gutierrez stated that the lack of a complete staff has also affected the manner in which the department is run. She stated that the court has crippled the department by not allowing the interim CAA Director to hire staff and as such, the interim Director cannot be blamed solely for any problems. Cmr. Cortez-Brunner stated that it was critical that a CAA Director be named today.

Item No. 11 Discussion and possible action to allow the City of Rio Bravo to dispose of 300-400 used tires at the Webb County Road and Bridge department, and any other matters incident thereto.

Mr. Homero Ramirez, County Attorney, requested that this item be deferred so that he can meet with the City of Rio Bravo's legal counsel and representatives. He stated that they need to enter into an interlocal agreement in order to dispose of the tires as well as agree to some compensation for the work to be done. Judge Bruni stated that as per Mr. Jose Luis Ramos, Road & Bridge Superintendent, the pick up of tires has been done in the past.

Cmr. Gutierrez motioned to defer Item No. 11. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 8 Discussion and possible action to adopt a Webb County Resolution joining Webb County with the U.S. Highway 59 Coalition (presently consisting of 10 counties located along U.S. Highway 59) in an effort to expand U.S. Highway 59 from its present two lane state into a four lane highway.

Mr. Raul Casso, Chief of Staff, stated that the Border Bayou Coalition is a coalition of counties on Hwy 59 from Laredo to Houston. He stated that Webb County would be the 11th county to join. Mr. Carlos Villarreal, Executive Administrator, stated that this would not affect the current I-69 project.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 12 Discussion and possible action to direct staff to investigate water seepage from City of Laredo underground water system into the basement of the Webb County Detention Center (the "Jail"), causing a pool of water to collect there with the potential of causing structural damage to the jail; to report to the Commissioners Court at its next regularly scheduled meeting on the status of the water seepage problem; to provide the court with a plan of action to remedy the same; and, any other matters incident thereto.

Judge Bruni motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 13 Discussion and possible action to request the County Attorney to render an opinion and recommend action at the next regularly scheduled meeting for the implementation of a county-wide burn ban for public and health and safety.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Cortez-Brunner seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 14 Discussion and possible action to appoint Dr. Jerry Thompson and Mr. Horacio Salinas, Jr. to serve on the Webb County Historical Commission.

Cmr. Cortez-Brunner motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 15 Discussion and possible action to appoint Mr. Leroy Medford as Webb County Public Defender effective October 1, 2005 as reflected in the court's action taken at its regular meeting of April 25, 2005, and any other matters incident thereto.

Judge Bruni motioned to approve item as submitted. Cmr. Cortez-Brunner seconded the motion.

Cmr. Gutierrez stated that Mr. Medford is a very active and loyal member of the Public Defender's Office. She stated that she has received calls from many local members of the bar to request an opportunity to apply for the position.

Motion failed 2-3 with Cmr. Sciaraffa, Cmr. Gutierrez and Cmr. Garza voting against.

Cmr. Gutierrez motioned to publicize a request for Request for Qualifications (RFQs). Cmr. Garza seconded the motion.

Motion carried 3-2 with Judge Bruni and Cmr. Cortez-Brunner voting against.

Judge Bruni stated that this was a double standard and requested that the RFQ be placed on the fast track. Mr. Eloy Ramirez, Purchasing Agent, stated that he will bring the job description and qualifications to the court and then publicize for the necessary time.

- Item No. 16 Discussion and possible action to accept the donation of two canines to Constable Precinct 1 from the Laredo Job Corp.
- Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.
- Motion carried 5-0 by unanimous consent.
- Item No. 17 Discussion and possible action to accept a \$117,000.00 grant from the Laredo Independent School District for the hiring of two deputies for work with the LISD Narcotic Task Force, and any other matters incident thereto.
- Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.
- Motion carried 5-0 by unanimous consent.
- Item No. 18 Discussion and possible action to approve a line item transfer for \$33,847.00 from 691-6107-8601 Pct.3 to Fund No. 696 Capital Outlay Series 2002 Acct. No. 696-2502-8801 to purchase (1) 2006 Ford F150-Cab V8 for Constable Tino Juarez, Pct. 4.
- Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.
- Motion carried 5-0 by unanimous consent.
- Item No. 19 Discussion and possible action to implement a 311 telephone service for Webb County.
- Cmr. Garza stated that this has been implemented in many counties and is a toll free number to request non-emergency assistance. He stated that this would service all of Webb County and assist to serve the public better. He stated that the only ones that would not receive service would be the Bruni and Mirando City areas due to their phone provider. He stated that the approximate cost would be \$5,325 to the end of the fiscal year and would not exceed \$10,000 for the next fiscal year. He stated that the monies for this project would come from Pct. 3 Capital Outlay funds. He stated that the current M.I.S. staff would be trained to use the 311 service and no additional staff would be needed.
- Cmr. Gutierrez motioned to approve item as submitted and include it in the budget. Cmr. Garza seconded the motion.
- Motion carried 5-0 by unanimous consent.

Item No. 20 Discussion and possible action to hire a TAMIU Student intern for a total of 120 hours at a rate of \$10.00 per hour.

Cmdr. Garza motioned to approve item as submitted. Cmdr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 21 Discussion and possible action to review and select the Director for Community Action Agency.

Mr. Homero Ramirez, County Attorney, requested that the court go into Executive Session to consult with counsel on legal advice. He stated that this would not be to deliberate but to relay legal advice on how to handle this matter. He stated that he had an ethical duty to give them proper legal advice.

Cmdr. Gutierrez motioned to move into Executive Session as per County Attorney's request. Cmdr. Sciaraffa seconded the motion.

Motion carried 3-2 with Judge Bruni and Cmdr. Cortez-Brunner voting against.

Judge Bruni stated for the record that he would not participate in the Executive Session since the item was not posted as an Executive Session item.

EXECUTIVE SESSION (3:17 PM to 3:24 PM)

The meeting was reconvened and no action was taken while in Executive Session. Judge Bruni and Cmdr. Cortez-Brunner did not participate in Executive Session.

Cmdr. Gutierrez motioned to table Item No. 21 as per the County Attorney's recommendation. Cmdr. Garza seconded the motion.

Motion carried 3-2 with Judge Bruni and Cmdr. Cortez-Brunner voting against.

Item No. 22 Discussion and possible action to accept the City of Laredo's counter-offer of August 18, 2005 regarding Fire and EMS services and request that the County Attorney's office prepare an inter local agreement consistent with the terms of the agreement as negotiated by staff, and any other matters incident thereto.

Judge Bruni stated that he pushed for the purchase of two brush trucks and a four year contract. He stated that the contract that was agreed to was the purchase of two brush trucks and a five year contract.

Judge Bruni motioned to approve item as submitted. Cmdr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

MEDIA BREAK

Item No. 23 Discussion and possible action to approve the following line item transfers:

From:	001-2060-5605	Special Travel	\$ 750
	001-2600-6014	Equipment Rental	\$ 1,100
	001-2001-6202	Uniforms	\$ 10, 798
	001-2060-6224	Minor Tools & Apparatus	\$ 1,403
	001-2060-6005	Dues & Memberships	\$ 950
To:	001-2060-5601	Administrative Travel	\$ 950
	001-2060-6401	Repairs & Maint. Buildings	\$ 5,000
	001-2060-6205	Materials & Supplies	\$ 9,051

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 24 Discussion and possible action to approve certification of tax roll (One hundred (100%) anticipated collection for FY 2006).

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 25 Discussion and possible action to take a record vote on the proposed tax rate of .457923, or such other rate as the court may determine, and set a date for a public hearing on the proposed tax revenue increase.

Ms. Patricia Barrera, Tax Assessor Collector, stated that the correct tax rate should be .437923, the same as the current fiscal year. She stated that as per changes in Legislature, if the revenues received from taxes increases by more than 1¢, two public hearings must be held. She stated that though the tax rate did not increase, some areas will see an increase in their taxes due to the assessed values of their homes and land. She recommended August 29th and September 2nd at 1:00 PM as the dates and time for the public hearings to be held in the courthouse.

Cmr. Gutierrez motioned to approve the proposed tax rate of 0.437923 and set the Public Hearing dates for August 29th and September 2nd at 1:00 PM. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 26 Discussion and possible action to approve the following line item transfer:

FROM:	Repairs & Maint. Equip.	001-1004-6402	\$1,000.00
TO:	Materials & Supplies	001-1004-6205	\$1,000.00

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 27 Discussion and possible action to approve the following line item transfer:

FROM:	165-2500-8801	Capital Outlay	\$5,000.00
TO:	001-2500-5003	Overtime	\$5,000.00

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Cortez-Brunner seconded the motion.

Cmr. Garza inquired whether it was possible to transfer capital outlay monies to operational expenses. Mr. Leo Flores, County Auditor, stated that it would be okay since the capital outlay monies were not from bond monies.

Motion carried 5-0 by unanimous consent.

Item No. 28 Discussion and possible action to approve the following line item transfers:

FROM:	001-1010-6402	Equipment Maint.	\$ 750.00
TO:	001-1010-6205	Materials & Supp.	\$ 750.00
FROM:	001-1010-6026	Visiting Judge	\$ 1,000.00
TO:	001-1010-6011	Training Education	\$ 1,000.00
FROM:	001-1010-7052	Juvenile Felony	\$20,000.00
TO:	001-1010-7050	Adult Misd	\$20,000.00
FROM:	001-1010-7051	Juvenile Misd	\$10,000.00
TO:	001-1010-7053	Dt Hearing	\$10,000.00

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 29 Discussion and possible action to approve an addendum consisting of governmental terms and conditions to the maintenance agreement with IBM for M. I. S. servers, printers and tape drives for a period of one year (October 1, 2005 through September 30, 2006) in the amount of FIFTY-SIX THOUSAND FIVE HUNDRED EIGHT DOLLARS (\$56,508.00) and authorizing the County Judge to sign all relevant documents. [Requested by MIS Dept. Acct. # 001-0500-6402]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 30 Discussion and possible action to enter into an Letter of Agreement between Webb County for the Community Action Agency and Reliant Energy for the "Reliant Energy Retail Services, LLC CARE Program" whereby Reliant Energy will provide funding to Webb County Community Action Agency to be utilized to help the needy pay home energy expenses for a term beginning August 15, 2005 and ending on December 31, 2005 and authorizing the County Judge to execute all relevant documents. [Requested by Community Action Agency]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Cortez-Brunner seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 31 Discussion and possible action to execute a lease between Webb County and George Royle Wright for the Property situated at 1118 Constantinople, in Laredo, Webb County, Texas for use as a Head Start Program Center for a term of one (1) year commencing on September 1, 2005 and ending on August 31, 2006, and at a monthly rental of NINE HUNDRED AND FIFTY DOLLARS (\$950.00), and authorizing the County Judge to execute any and all relevant documents. [Requested by Head Start Program, Account No. 903-4207-6012 (Rent)]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 32 Discussion and possible action to enter into an "Security Systems Agreement" with Kelmar & Associates for the Webb County Purchasing Department for a period of thirty-six (36) months (August 22, 2005 through August 21, 2008) with monthly payments of TWENTY-FOUR DOLLARS AND NINETY-FIVE CENTS (\$24.95) to equal to a total of EIGHT HUNDRED AND NINETY-EIGHT DOLLARS AND TWENTY CENTS (\$898.20) over the term of the agreement and authorizing the County Judge to sign all relevant documents. [Requested by Purchasing Department]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 33 Discussion and possible action to approve the Federal Equitable Sharing Agreement between the Laredo Multi-Agency Narcotics Task Force and the Federal Government from October 1, 2005 thru September 30, 2008 and authorizing the County Judge to sign all relevant documents.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Cortez-Brunner seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 34 Discussion and possible action to approve the following line item transfers:

FROM:	001-1100-6005	Postage	\$ 650.00
TO:	001-1100-6022	Professional Services	\$ 650.00
FROM:	001-1100-6402	Repairs & Maint. Equipment	\$1,000.00
TO:	001-1100-6205	Materials and Supplies	\$1,000.00

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 35 Discussion and possible action to approve a resolution authorizing an application to the Community Capacity Development Office of the Office of Justice Programs for official recognition of a Weed and Seed site within the boundaries of Constable Precinct 1, the site to include between 40,000 and 50,000 residents.

Cmr. Gutierrez motioned to table Item No. 35. Cmr. Cortez-Brunner seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 36 Discussion and possible action to award the architectural design contract of the Penitas West Community Center to Architects Plus, Inc. in the amount of \$36,000 (THIRTY SIX THOUSAND DOLLARS) and for the County Judge to sign all relevant documents.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Cortez-Brunner seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 37 Discussion and possible action to approve the following line item transfer:

From:	001-0104-6005	Postage	\$220.49
	001-0104-6402	Equipment Maintenance	\$ 42.51
To:	001-0104-6204	Fuel & Lube	\$263.00
From:	001-0104-6402	Equipment Maintenance	\$123.93
To:	001-0104-6205	Materials & Supplies	\$123.93

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 38 Discussion and possible action to amend the Office of Rural Community Affairs (ORCA), Texas Community Development Program (TCDP) contract # 724195, Vela Tract Project Performance Statement and Project Budget. Amendment will be determined by County Engineer and the Economic Development Department based on on-site field inspections for platting entire colonia, proposed changes to project activity and negotiations with recommended project engineer and authorizing the Webb County Judge to execute all relevant documents.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 39 Discussion and possible action to approve a Resolution and Order authorizing and establishing the main and temporary branch early voting polling sites for the November 08, 2005 Special Constitutional Amendment Election within Webb County, Texas, pursuant to Chapter 85, Texas Election Code.

Judge Bruni motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 40 Discussion and possible action to approve a Resolution and Order authorizing and establishing consolidated precincts and election day polling places for the November 08, 2005 Special Constitutional Amendment Election within Webb County, Texas, in accordance with Chapter 42 and Chapter 43, Texas Election Code.

Cmr. Gutierrez motioned to approve item as submitted with discussion. Judge Bruni seconded the motion.

Mr. Oscar Villarreal, Interim Elections Administrator, stated that there are currently 57 voting precincts. He stated that he would consolidate these to sixteen voting precincts, four in each precinct. He stated that during the previous Constitutional Amendment election, there was only one voting place at each precinct. Cmr. Gutierrez stated that she was concerned about discouraging voters by consolidating the voting precincts and requested that the consolidated sites be publicized to try and encourage voting.

Motion carried 5-0 by unanimous consent.

- Item No. 41 Discussion and possible action to approve a Resolution and Order authorizing and establishing the salaries for presiding judges and clerks; appointing presiding judges in consolidated precincts; and establishing the maximum number of election day clerks for each election precinct pursuant to Sections 32.091(a), 32.003, and 32.033, Texas Election Code, for the November 08, 2005 Special Constitutional Amendment Election.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 42 Discussion and possible action to approve a Resolution and Order authorizing and establishing a central counting station, appointing the central counting station manager, tabulation supervisor, tabulation supervisor assistant, presiding judge, and establishing their respective salaries for the November 08, 2005 Special Constitutional Amendment Election pursuant to Section 127, Texas Election Code.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 43 Discussion and Possible Action Authorizing the transfer of \$1,400.00 from Bond Series 2002, Interest Income to Bond Series 2002, Records Management Building Project:

FROM:	Fund No. 683	Interest Income Series 2002	\$1,400.00
TO:	677-0116-6022	Professional Services	\$1,400.00

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 44 Discussion and Possible Action Declaring the following as "County Roads":

Colonia Los Altos – Estrella
Colonia Los Minerales – Mercury Mine
Colonia Laredo Ranchettes – East, West and North
Colonia Penitas West – Rancho Penitas, Vaqueta, Apaloosa, Sudadero, Montura, Palomino, Charro, Ganadero, Papalote, Rancho Pila, Rancho Nopal and Chicote
Colonia Pueblo Nuevo – Milagro, East Maria Elena, West Maria Elena, Main, East Ibarra, East Meirs, West Paredes and West Ozuna
Colonia Ranchitos Hwy 359 – Pinzon
Colonia Tanquecitos I – Tanquecitos, El Rocio and El Lucero
Colonia San Carlos I – Nacadoches, Gore, Adelita and Gutierrez
Colonia San Carlos II – Kay Bailey
Laredo Ranchettes – Pinzon Road

Mr. Tomas Rodriguez, County Engineer, stated that these roads were private roads but the ROWs have been received. He stated that the funds for these roads were included in the Road & Bridge budget due to grant monies received from the Border Colonias Access Program. Cmr. Gutierrez stated that this project has been ongoing for many years. Judge Bruni stated that this is a monumental meeting.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 45 Discussion and Possible Action Authorizing the transfer of \$1,000.00 from Bond Series 2002, Interest Income to Bond Series 2002, Villa Antigua Border Heritage Museum Project:

FROM:	Fund No. 627	Interest Income Series 2002	\$1,000.00
TO:	677- 8102 - 8609	Construction In Progress	\$1,000.00

Mr. Leo Flores, County Auditor, stated that the Interest Income Series should be 2001 instead of 2002. Mr. Tomas Rodriguez, County Engineer, stated that the ADA fees were not funded in the original request.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 46 Discussion and Possible Action Authorizing Drash Consulting Engineers, Inc. to perform corrective action under Texas Risk Reduction Program (TRRP) Remedy Standard "B" at the Mines Road Old Dipping Vat location for Phase I in the amount of \$7,750.00.

Cmr. Gutierrez motioned to approve item as submitted with discussion. Cmr. Cortez-Brunner seconded the motion.

Mr. Tomas Rodriguez, County Engineer, stated that this property was approximately 2 acres and has only done preliminary environmental testing. He stated that since a problem has been found, it must now be remedied. He stated that once Phase I has been completed, the cost can be estimated. He stated that the state requires that the problem be remedied once it is found. He apologized for not going out for RFQs but the problem needs to be remedied. He stated that they have sixty (60) days from the day the contaminant is found to fix the problem. He stated that there are several companies who perform similar work but that Drash has done the more sensitive projects for Webb County.

Judge Bruni motioned to go out for RFQs for this project. Cmr. Gutierrez seconded the motion.

Cmr. Garza questioned whether this action would affect the timeline set by the state. Mr. Rodriguez stated that he would submit a letter to the state advising that the problem was in the process of being fixed.

Motion carried 5-0 by unanimous consent.

Motion carried 5-0 by unanimous consent.

Item No. 47 Discussion and Possible Action Authorizing the Transfer of Funds for the Utilities Department Fund 801;

From:	801-3003-6214	Chemicals	\$3,300.00
To:	801-3001-6204	Fuels and Lubricants	\$3,300.00
From:	801-3004-6214	Chemicals	\$1,000.00
	801-3004-8801	Capital Outlay	\$ 500.00
To:	801-3001-6402	Equipment Maintenance	\$1,500.00

Mr. Leo Flores, County Auditor, stated that line item 801-3004-6214 has an available balance of \$846.00. He stated that the correct amount to be transferred to Equipment Maintenance would be \$1,346.00.

Cmr. Gutierrez motioned to approve item with the changes presented by Mr. Leo Flores, County Auditor. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 48 Discussion and possible action to approve the following Line Item Transfer:

From:	001-0106-6402	Repairs and Maint. Equip.	\$1,500.00
To:	001-0106-6403	Repairs and Maint. Vehicles	\$1,500.00

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 49 Discussion and possible action to approve the following Line Item

Transfer:

FROM:	001-1301-5601	Administrative Travel	\$ 800.00
	001-1301-6005	Postage	\$ 900.00
	001-1301-5604	Transportation of Juveniles	\$1,400.00
TO:	001-1301-6403	Repairs/Maint. of Vehicles	\$3,100.00

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 50 Discussion and possible action to approve the following line item transfers:

From:	001-0500-6402	Equip. Maint.	
To:	001-0500-6010	Books & Sub	\$10,400.00
From:	001-0500-6402	Equip. Maint	
To:	001-0500-6402	Office Sup	\$ 500.00

[For West Law Licensing]

Mr. Paul De La Peña, M.I.S. Director, stated that the transfer was necessary since the funds ran out. Cmr. Garza stated that the back-up showed three different account transfers. Mr. De La Peña stated that the correct transfer is what is shown in the back-up. Mr. Leo Flores, County Auditor, stated that the second transfer shown on the agenda is to and from the same account.

Judge Bruni motioned to table Item No. 50. Cmr. Cortez-Brunner seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 51 Discussion and possible action to fill slot #2718 (Records Management Specialist) effective August 25, 2005.

Mr. Paul De La Peña, M.I.S. Director, stated that one of the Records Management employees is out on sick leave and the other resigned.

Judge Bruni motioned to approve item as submitted and have the applications brought to the court. Cmr. Cortez-Brunner seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 52 Discussion and possible action to fill slot #2055 Planner/Cartographer effective August 25, 2005.

Cmr. Gutierrez motioned to table Item No. 52 until Ms. Rhonda Tiffin, Planning Director, returns from having surgery. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 53 Discussion and possible action to issue "Certifications Regarding Compliance with Plat Requirements and the Connection of Utilities" to authorize utility connections to the following properties:

Connection(s) qualifying under Section 232.029 (c) (1):

1. An unplatted 0.0972 acre tract of land, more or less, out of and part of Survey 58, Abstract 1547, being Tract 5-B of the Los Ojuelos Ranch Partition as further described in Vol. 560, Pgs. 385-415 of the Webb County Deed Records (electricity – one dwelling only);
2. An unplatted 11.4512 acre tract of land, more or less, out of and part of Survey 58, Abstract 1547, being Tract 5-D of the Los Ojuelos Ranch Partition as further described in Vol. 560, Pgs. 384-415 of the Webb County Deed Records. (electricity – one dwelling only)
3. Discussion and possible action to purchase one (1) 2006 Ford F150 S-Cab V8 from Philpott Motor Company in the amount of \$33,846.25 through the Houston Galveston Area Council Contract number VE10-03 for Constable, Tino Juarez, Pct. 4.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Garza motioned to bring back Item No. 53. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Gutierrez motioned to approve Item No. 1 and No. 2 and omit No. 3 under Item No. 53. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 54 Discussion and possible action for the Commissioners Court to approve/reject the following line item transfer:

FROM:	001-2502-5601	Administrative Travel	\$679.86
TO:	001-2502-6403	Repairs & Maint. Vehicle	\$679.86

Cmr. Cortez-Brunner motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 55 Discussion and possible action to purchase one (1) 2006 Ford F150 S-Cab V8 from Philpott Motor Company in the amount of \$33,846.25

through the Houston Galveston Area Council Contract number VE10-03 for Constable, Tino Juarez, Pct. 4.

Mr. Eloy Ramirez, Purchasing Agent, stated that the truck comes complete with the necessary law enforcement attachments. He stated that this vehicle will be used to replace an older vehicle that will no longer be used. Judge Bruni requested a listing of all vehicles used by the Constables' offices as well as the number of persons using those vehicles and the mileage.

Cmr. Garza motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 56 Discussion and possible action to approve the following line item transfer:

FROM:	Park Development Series 2002 695-6004-8710-3	\$17,906.00
TO:	Capital Outlay Services 2002 696- Series 2002	\$17,906.00

Mr. Eloy Ramirez, Purchasing Agent, stated that the funding is coming from Precinct 3 funds to replace two old vaults in the Tax Office.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 57 Discussion and possible action to authorized the purchase of one vault, Model TL-15 Safe with interiors from Diebold in the amount of \$17,906.00 for the Tax Office.

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 58 Discussion and possible action to award/reject the following bids:

Bid 2006-69	Concrete Pads for Head Start Program
Bid 2006-70	Surfacing Tiles for the Head Start Program
	Recommending Sports & Recreational Products, Inc.
Bid 2006-71	Shade Structures for the Farias & Lafayette Splash Parks
	(Bid Opening is August 16, 2005)

Mr. Eloy Ramirez, Purchasing Agent, made the following recommendations:

2006-69	ALC Construction Company
2006-70	Sports & Recreational Products, Inc.
2006-71	Shade Concepts

He stated that 2006-71 was a joint project with the City and would be paid for with monies from Capital Outlay Precinct 4.

Cmr. Gutierrez motioned to accept the Purchasing Agent's recommendations. Cmr. Cortez-Brunner seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 59 Discussion and possible action to authorize the Purchasing Agent to purchase two (2) vehicles from Philpott Motor Company in the amount of \$63,116.50 through the Houston Galveston Area Council Contract number VE10-03 for the Webb County Morgue operations.

Cmr. Gutierrez motioned to defer this item. Cmr. Cortez-Brunner seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 60 Discussion and possible action to award/reject the following bids:

Bid 2005-68-1	Guadalupe Garcia
Bid 2005-68-2	Maria G. Campos
Bid 2005-68-3	Juan M. Ponce
Bid 2005-68-4	Paula Brizeno
Bid 2005-68-5	Margarita Torres

Mr. Eloy Ramirez, Purchasing Agent, made the following recommendations:

2005-68-1	B & R Builders
2005-68-2	Re-bid since quote received was over budgeted amount
2005-68-3	Ace Home Builders
2005-68-4	Ace Home Builders
2005-68-5	Ace Home Builders

Cmr. Gutierrez motioned to accept the Purchasing Agent's recommendations. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 61 Discussion and possible action to ratify an emergency repair from the Webb County Sheriff's Department in the amount of \$7,150.00 to Exodus Tech to repair a laundry washing machine for the Law Enforcement Center.

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 62 Discussion and possible action to amend the Administrative Services Agreement between Webb County and National Plan Administrators to provide for a grace period immediately following the end of each plan year of up to 2 1/2 months for the flexible spending account at no cost to the County and subject to final review of the provisions by the County Attorney. (Recommended by the Webb County Insurance Committee)

Cmr. Gutierrez motioned to approve item as submitted. Judge Bruni seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 63 Discussion and possible action to approve the following line item transfer:

FROM:	001-0108-6205	Materials & Supplies	\$2,955.00
TO:	001-0108-6224	Minor Apparatus	\$2,955.00

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 64 Discussion and possible action to fill slot #1524 Secretary I effective August 19, 2005.

Cmr. Gutierrez inquired why position was posted as effective August 19, 2005. Mr. Jose Luis Ramos, Road & Bridge Superintendent, stated that the date was a typo and the position has not been filled. He stated that he would address the Department of Public Safety to see if the slot is needed. Mr. Homero Ramirez, County Attorney, recommended that the item be deferred until he can confer with DPS about the need of this position.

Cmr. Gutierrez motioned to defer Item No. 64. Cmr. Sciaraffa seconded the motion.

Motion carried 4-1 with Judge Bruni voting against.

Cmr. Gutierrez motioned to move into Executive Session. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

EXECUTIVE SESSION (4:15 PM to 4:33 PM)

Judge Bruni reconvened the meeting and stated that no action was taken while in Executive Session.

Item No. 65 Discussion and possible action regarding Civil Action No. 04-CV-00182; Rosalinda Delgado, Individually and on behalf of the Estate of Jorge Alberto Meza vs. Webb County, Texas; Webb County Sheriff's Department; and Webb County Sheriff Juan Garza, Individually and in his Official Capacity; In the United States District Court for the Southern District of Texas, Laredo Division Executive Session is requested pursuant to Texas Government Code, Title 5, Subchapter D, Section 551.071 (Consultation with Attorney).

Mr. Homero Ramirez, County Attorney, recommended that he coordinate with the insurance carriers and Risk Management to employ outside counsel.

Mr. Gutierrez motioned to accept the County Attorney's recommendation. Mr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Mr. Gutierrez motioned to bring back Item No. 46. Judge Bruni seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 46 Discussion and Possible Action Authorizing Drash Consulting Engineers, Inc. to perform corrective action under Texas Risk Reduction Program (TRRP) Remedy Standard "B" at the Mines Road Old Dipping Vat location for Phase I in the amount of \$7,750.00.

Judge Bruni stated that RFPs had already been requested and a recommendation to hire Drash Consulting Engineers was being made by Mr. Tomas Rodriguez, County Engineer,

Mr. Gutierrez motioned to rescind the previous action taken on this item. Judge Bruni seconded the motion.

Motion carried 5-0 by unanimous consent.

Mr. Gutierrez motioned to approve item as submitted. Judge Bruni seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 66 Adjournment

Mr. Gutierrez motioned to adjourn the meeting. Mr. Cortez-Brunner seconded the motion.

Motion carried 5-0 by unanimous consent.